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UBER TECHNOLOGIES, INC.  
14 and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION

18 WAYMO LLC,  
19 Plaintiff,  
20 v.  
21 UBER TECHNOLOGIES, INC.,  
OTTOMOTTO LLC; OTTO TRUCKING LLC,  
22 Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF DAVID ZIFKIN IN  
SUPPORT OF DEFENDANTS UBER  
TECHNOLOGIES, INC.'S AND  
OTTOMOTTO LLC'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL THEIR OPPOSITION  
TO THE URMSON PARTIES' MOTION  
TO QUASH AND MODIFY  
SUBPOENAS**

24  
25 Judge: Hon. Jacqueline Scott Corley  
Trial Date: October 10, 2017  
26  
27  
28

1 I, David Zifkin, declare as follows:

2 1. I am a partner with the law firm of Boies Schiller Flexner LLP representing  
 3 Defendants Uber Technologies Inc. and Ottomotto LLC (collectively, "Uber") in this matter. I  
 4 am a member in good standing of the Bar of the State of California. I make this declaration based  
 5 upon matters within my own personal knowledge and if called as a witness, I could and would  
 6 competently testify to the matters set forth herein. I make this declaration in support of Uber's  
 7 Administrative Motion to File Under Seal Their Opposition to the Urmson Parties' Motion to  
 8 Quash and Modify Subpoenas.

9 2. I have reviewed the following exhibits and only the portions identified below merit  
 10 sealing:

Document	Portions to Be Filed Under Seal	Designating Party
Opposition Letter Brief	Highlighted Portions	Nonparties Aurora Innovations, Inc. ("Aurora") and Nuro, Inc. ("Nuro").

15 3. The highlighted portions of the Opposition Letter Brief contain information that I  
 16 understand Aurora and Nuro consider to be "Highly Confidential – Attorneys' Eyes Only."  
 17 Aurora and Nuro's counsel asked me to file those portions of the Opposition Letter Brief under  
 18 seal.

19 4. Uber's request to seal is narrowly tailored to the information Waymo asked to be  
 20 sealed.

21 I declare under penalty of perjury that the foregoing is true and correct. Executed this  
 22 18th day of August, 2017 at Santa Monica, California.

23 Dated: August 18, 2017

24 BOIES SCHILLER FLEXNER LLP

25 By: /s/ David Zifkin  
 26 David Zifkin

## **ATTESTATION OF E-FILED SIGNATURE**

I, Karen L. Dunn, am the ECF User whose ID and password are being used to file this document. In compliance with General Order 45, X.B., I hereby attest that ATTY has concurred in this filing.

Dated: August 18, 2017

/s/      Karen L. Dunn